



Date: May 5, 2015
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Jina B. Propst, Assistant Director, General Services Department

Subject: Proposed Condemnation of Property located at 3039 University Drive (parcel ID 123182) for the University Drive Sidewalk Project

Executive Summary

In accordance with the Durham Walks Pedestrian Plan as approved by the City Council, the City is planning to build new sidewalks on the south side of University Drive from Old Chapel Hill Road to Cornwallis Road. The Public Works Department has finalized design for the University Drive Sidewalk Project (SW-39). The project includes sidewalk, bicycle lanes, and crosswalks at affected intersections as well as improvements to storm drains, and installation of curb and gutter. The purpose of the project is to provide a safer route for pedestrians/bicyclists travelling along University Drive, and to create easier pedestrian access to Hope Valley Elementary School by extending sidewalk to the school.

The General Services Department Real Estate Division was tasked with acquiring necessary property and easements. Property acquisition for the project requires compliance with Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act, commonly called the Uniform Act, is the primary law for acquisition and relocation activities on Federal or federally assisted projects and programs.

An independent appraisal of 3039 University Drive has been reviewed and certified by the regional NCDOT Appraisal Office. General Services Department presented an offer to the property owner citing the approved appraisal.

Negotiations with the property owner located at 3039 University Drive (Gregory Richard Burkett) and one additional property owner continue but have the potential to jeopardize receipt of federal funding for the project. The General Services Department recommends that City Council approve the condemnation process for 1,846 square feet (0.042 acres) of land in fee simple and 2,512 square feet (.058 acres) of temporary construction easement across a portion of 3039 University Drive (parcel ID 123182). Acquisitions have been secured from twenty-three of the twenty-five property owners affected by the University Drive Sidewalk Project.

Recommendation

The Department of General Services and the Department of Public Works recommend that City Council find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 123182: a fee simple in 1,846 square feet (0.042 acres) and 2,512 square feet (.058 acres) of temporary construction easement as shown on the map for the University Drive Sidewalk Project (SW-39), prepared by the City of Durham Department of Public Works, with a deposit into court of \$14,600.00 as the

City's estimate of just compensation, and to authorize the City Attorney to initiate condemnation proceedings for that purpose.

Background

The University Drive Sidewalk Project adds more than 3,000 linear feet of sidewalk along University Drive. The project will not charge any assessments to the property owners. The project will provide a safer route for pedestrians/bicyclists travelling along University Drive and create an easier pedestrian access to Hope Valley Elementary School by extending sidewalk to the school approach and adding crosswalks at the intersection with Dixon Road.

The project includes installation of curb ramps on both sides of University Drive and crosswalks at intersections, construction/upgrade of stormwater infrastructure, addition of bike lanes on University Drive and construction/replacement of curb and gutter in some areas within the project limits. The project is expected to bid in spring/summer 2015 with construction beginning in fall/winter 2015. The project design necessitates that the City acquire property and easements from some property owners in the project corridor for construction of the project.

Acquisitions previously granted by twenty-three of the twenty-five property owners affected by this project did not require City Council approval. The acquisition for 3039 University Drive (parcel ID 123182) owned by Gregory Richard Burkett remains unsecured. A Real Estate appraisal of the property interests required for construction of the project was ordered by the City's Real Estate Division and the value indicated was \$14,600.00. The owner was offered that amount as just compensation in accordance with City guidelines.

Issues/Analysis

The Real Estate Division, with assistance from the Department of Public Works, has been in contact with the owner of 3039 University Drive in an attempt to secure the area needed. As the property owner has voiced opposition to installation of sidewalk across his property, it has been determined that condemnation is necessary in order to meet the Department of Public Works project deadlines.

Alternatives

The land needed from this property owner is necessary to complete sidewalk construction on the subject property. Public Works Staff indicates that modifying the construction plans to remove sidewalk across this property will prevent accomplishment of the project's intent. There is no other alternative relative to the project design.

Financial Impact

Funds for the proposed condemnation action are available in the University Sidewalk Project (SW-39) budget as previously approved.

SDBD Summary

This item does not require review by the Equal Opportunity/Equity Assurance Department.

Attachments: Project Plat, Detail of Project Plat showing property of Gregory Richard Burkett, GIS Map with Aerial Photo of parcel ID 123182, Property Appraisal with NCDOT Review Certification